

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC,	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	Hon. Basil H. Lorch III

**MOTION TO LIMIT NOTICE OF MOTION FOR ORDER APPROVING PROPOSED  
AUCTION SALE OF CERTAIN PERSONAL PROPERTY ASSETS OF DEBTOR  
FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES  
PURSUANT TO 11 U.S.C. § 363**

James M. Knauer, chapter 11 trustee ("Trustee") in the above-captioned case ("Chapter 11 Case"), seeks the entry of an order, pursuant to Section 105(a) of Title 11 of the United States Code ("Bankruptcy Code"), Rule 2002(m) of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), and S.D. Ind. B-9013-3(f)(5) of the local rules of the United States Bankruptcy Court for the Southern District of Indiana (the "Local Bankruptcy Rules") limiting notice of the *Motion for Order Approving Proposed Auction Sale of Certain Personal Property Assets of Debtor Free and Clear of Liens, Claims and Encumbrances Pursuant to 11 U.S.C. § 363* [Dock. No. 758] (the "Motion"). In support of this request (the "Request to Limit Notice"), the Trustee respectfully represents as follows:

1. The Motion seeks authority under 11 U.S.C. § 363 to sell certain personal property assets of Eastern Livestock Co., LLC ("Debtor") pursuant to the terms and conditions of the auction agreement (the "Auction Agreement") with Norman J. Gallivan, Inc. ("Gallivan").
2. Pursuant to Bankruptcy Rule 2002, all "parties in interest" must receive, with certain exceptions, notice of, among other things, the "proposed use, sale, or lease of property of

the estate other than in the ordinary course of business, unless the court for cause shown shortens the time or directs another method of giving notice." (Bankruptcy Rule 2002(a)(2)).

3. As a result, Trustee is required to serve notice of the Motion on all parties unless the Court, for cause shown, authorizes limited notice of the Motion. There are currently over 1,400 creditors on the notice list in this case.

4. Given a) the large number of parties in interest in this case, b) the limited resources available to the Trustee, and c) the noncontroversial relief requested by the Motion, the Trustee seeks a Court order limiting notice of the Motion to parties that already receive notice via the Court's electronic noticing system. Absent this relief, Trustee would be required to expend substantial and disproportionate sums in copying costs, postage charges, and other handling expenses associated with mailing the Motion to over 1,400 creditors. Trustee therefore asks that the Court enter an order limiting notice of the Motion to: (i) the office of the United States Trustee for the Southern District of Indiana; (ii) the Internal Revenue Service; (iii) all secured creditors who are not represented by counsel; and (iv) any party who has filed an appearance or requested notice and served same on Trustee.

**WHEREFORE**, the Trustee respectfully requests that the Court enter an Order (1) limiting notice of the Motion as set forth herein, and (2) granting Trustee such other and further relief as is just and proper.

Respectfully submitted,

By: /s/ Dustin R. DeNeal

James M. Carr (#3128-49)  
Terry E. Hall (#22041-49)  
Dustin R. DeNeal (#27535-49)  
BAKER & DANIELS, LLP  
300 N. Meridian Street, Suite 2700  
Indianapolis, IN 46204-1782  
jim.carr@bakerd.com  
terry.hall@bakerd.com  
dustin.deneal@bakerd.com

*Counsel for James A. Knauer, Chapter 11 Trustee*

Wendy W. Ponader (#14633-49)  
600 East 96<sup>th</sup> Street, Suite 600  
Indianapolis, IN 46240  
wendy.ponader@bakerd.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 2011, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt  
davidabt@mwat.net

C. R. Bowles, Jr  
crb@gdm.com

John Hunt Lovell  
john@lovell-law.net

Mark A. Robinson  
mrobinson@vhlaw.com

Jeffrey R. Erler  
jeffe@bellnunnally.com

Edward M King  
tking@fbtlaw.com

Randall D. LaTour  
rdlatour@vorys.com

John R. Carr, III  
jrciii@acs-law.com

Bret S. Clement  
bclement@acs-law.com

Daniel J. Donnellon  
ddonnellon@ficlaw.com

Stephen A. Weigand  
sweigand@ficlaw.com

John Frederick Massouh  
john.massouh@sprouselaw.com

John W. Ames  
jwa@gdm.com

Robert Hughes Foree  
robertforee@bellsouth.net

Kim Martin Lewis  
kim.lewis@dinslaw.com

Jeremy S Rogers  
Jeremy.Rogers@dinslaw.com

Ivana B. Shallcross  
ibs@gdm.com

Deborah Caruso  
dcaruso@daleeke.com

Meredith R. Thomas  
mthomas@daleeke.com

William Robert Meyer, II  
rmeyer@stites.com

Allen Morris  
amorris@stites.com

Charles R. Wharton  
Charles.R.Warton@usdoj.gov

James Bryan Johnston  
bjtexas59@hotmail.com

James T. Young  
james@rubin-levin.net

David L. LeBas  
dlebas@namanhowell.com

Judy Hamilton Morse  
judy.morse@crowedunlevy.com

John M. Thompson  
john.thompson@crowedunlevy.com

Jessica E. Yates  
jyates@swlaw.com

John Huffaker  
john.huffaker@sprouselaw.com

Matthew J. Ochs  
matt.ochs@moyewwhite.com

Laura Day Delcotto  
ldelcotto@dlgfirm.com

Ross A. Plourde  
ross.plourde@mcafeetaft.com

Todd J. Johnston  
tjohnston@mcjllp.com

Karen L. Lobring  
lobring@msn.com

Elliott D. Levin  
robin@rubin-levin.net  
edl@trustesolutions.com  
Sean T. White  
swhite@hooverhull.com

Michael W. McClain  
mike@kentuckytrial.com

James Edwin McGhee  
mcghee@derbycitylaw.com

Jerald I. Ancel  
jancel@taftlaw.com

David Alan Domina  
dad@dominalaw.com

Jill Zengler Julian  
Jill.Julian@usdoj.gov

Michael Wayne Oyler  
moyler@rwsvlaw.com

James E. Rossow  
jim@rubin-levin.net

Kelly Greene McConnell  
lisahughes@givenspursley.com

Walter Scott Newbern  
wsnewbern@msn.com

Timothy T. Pridmore  
tpridmore@mcjllp.com

Sandra D. Freeburger  
sfreeburger@dsf-atty.com

John M. Rogers  
johnr@rubin-levin.net

Robert H. Foree  
robertforee@bellsouth.net

William E Smith  
wsmith@k-glaw.com

Thomas C Scherer  
tscherer@binghamchale.com

Jeffrey J. Graham  
jgraham@taftlaw.com

Kent A Britt  
kabritt@vorys.com

Jeffrey L Hunter  
jeff.hunter@usdoj.gov

Jason W. Cottrell  
jwc@stuartlaw.com

James B. Lind  
jblind@vorys.com

T. Kent Barber  
kbarber@dlgfirm.com

Kirk Crutcher  
kcrutcher@mcs-law.com

Theodore A Konstantinopoulos  
ndohbky@jbandr.com

Lisa Koch Bryant  
courtmail@fbhlaw.net

John David Hoover  
jdhoover@hooverhull.com

Sarah Stites Fanzini  
sfanzini@hopperblackwell.com

Susan K. Roberts  
skr@stuartlaw.com

David A. Laird  
david.laird@moyewwhite.com

Trevor L. Earl  
tearl@rwsvlaw.com

Joshua N. Stine  
jnstine@vorys.com

Amelia Martin Adams  
aadams@dlgfirm.com

Robert A. Bell  
rabell@vorys.com

Melissa S. Giberson  
msgiberson@vorys.com

I further certify that on October 24, 2011, a copy of the foregoing pleading was served via electronic mail transmission on the following:

Ashley S. Rusher  
asr@blancolaw.com

Darla J. Gabbitas  
darla.gabbitas@moyewwhite.com

/s/ Dustin R. DeNeal